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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,816	11/12/2003	Hiroyuki Eguchi	WAKAB83.001AUS	6983
20995	7590	12/30/2005	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			VANterPOOL, LESTER L	
			ART UNIT	PAPER NUMBER
			3727	

DATE MAILED: 12/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/706,816	EGUCHI, HIROYUKI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Lester L. Vanterpool	3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/12/2003</u> . | 6) <input type="checkbox"/> Other: ____  |

### DETAILED ACTION

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 3, 4, 5, 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goeden et al., (U.S. Patent Number 5121958) in view of Mizuno (U.S. Patent Number 5924611) and in view of Moore (U.S. Patent Number 5340,004). Goeden discloses a main construction (10) that is substantially quadrilateral, that is composed of non elastic cords that is mesh form (column 2, line 50 – 57), wherein, nonelastic edge cords (13) that pass through each of the mesh that are aligned along each of the other two opposing edges of the main construction that are not provided with the fixed hems (column 2, line 66 – 68). See Figure 2. However, Goeden does not disclose fixed hems that hem two opposing edges of the main construction (10), wherein the two ends of each edge cord are secured to the fixed hems. Mizuno teaches fixed hems (15) that hem two opposing edges of the main construction (11), wherein, the two end of each edge cord are secured to the fixed hems (15). See Figure 2. It would have been obvious to one having ordinary skill in the art at the time the invention was made to add fixed hems to the main construction of Goeden et al., in order to enhance the durability and reduce the wear and tear of the weaven fabric from constant stretching. Furthermore, Goeden et al., does not disclose edge cord length

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adjustment means attached to each of the edge cords for retaining a portion of the edge cord, wherein, the edge cord length adjustment means being capable of adjusting the effective length of the edge cords through variation of the amount of the edge cord that is retained. Moore teaches edge cord length adjustment means attached to each of the edge cords for retaining a portion of the edge cord, the edge cord length adjustment means are capable of adjusting the effective length of the edge cords through variation of the amount of the edge cord that is retained. See Figure 2. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the edge cord length adjustments of Moore in order to stabilize and secure the main construction with the proper stowage tension to accommodate different vehicle sizes and dimensions.

Regarding claim 2, as stated above in claim 1, Mizuno teaches end cords that are composed of elastic cords that are attached to the ends of the fixed hems, wherein, the ends of the cord are provided with connectors (14a) that can connect to connectors (24) of the motor vehicle. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have end cords that are composed of elastic cords attached to the two ends of each fixed hems, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. See Figures 2 and 12.

Regarding claim 3, as state above in claim 1, Mizuno teaches a middle cord (25) that is provided at a position between the two fixed hems (15) that passes through each of the meshes that are located along a line parallel to the fixed hems (15), wherein, the two ends of the middle cord are provided with connectors that can connect to connectors of the motor vehicle (column 3, line 43 – 54). See Figure 2.

Regarding claim 4, as stated above in claim 3, Mizuno teaches the middle cord (25) is composed of elastic cord (column 3, line 43).

Regarding claim 5, as stated above in claim 3, Mizuno teaches a plurality of the connectors (26) of the middle cord (25) are provided along the longitudinal direction of the middle cord (25) at each end of the middle cord (25) (column 3, line 53 – 54). See Figure 2.

3. Regarding claim 6, Goeden discloses a main construction (10) that is substantially quadrilateral, that is composed of non elastic cords that is mesh form (column 2, line 50 – 57), wherein, nonelastic edge cords (13) that pass through each of the mesh that are aligned along each of the other two opposing edges of the main construction that are not provided with the fixed hems (column 2, line 66 – 68). See Figure 2. However, Goeden does not disclose fixed hems that hem two opposing edges of the main construction (10), wherein the two ends of each edge cord are secured to the fixed hems. Mizuno teaches fixed hems (15) that hem two opposing

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edges of the main construction (11), wherein, the two end of each edge cord are secured to the fixed hems (15). See Figure 2. It would have been obvious to one having ordinary skill in the art at the time the invention was made to add fixed hems to the main construction of Goeden et al., in order to enhance the durability and the wear and tear of the weaven fabric from constant stretching. Furthermore, Goeden et al., does not disclose edge cord length adjustment means attached to each of the edge cords for retaining a portion of the edge cord, there edge cord length adjustment means being capable of adjusting the effective length of the edge cords through variation of the amount of the edge cord that is retained. Moore teaches edge cord length adjustment means attached to each of the edge cords for retaining a portion of the edge cord, the edge cord length adjustment means are capable of adjusting the effective length of the edge cords through variation of the amount of the edge cord that is retained. See Figure 2. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the edge cord length adjustments of Moore in order to stabilize and secure the main construction with the proper stowage tension to accommodate different vehicle sizes and dimensions.

Furthermore, Mizuno teaches the first attached state in which the motor vehicle luggage net is attached extended along the floor of the motor vehicle with each of the end cords connected to a respective connector of the motor vehicle, (column 7, line 12 – 24) (See Figure 9); the second attached state, allows the motor vehicle luggage net to be folded in half along the position of the middle cord and attached vertically upright with the end cords connected to connectors in the side walls of the motor vehicle and

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the connectors at the two ends of the middle cord connected to connectors that are provided at positions in the vicinity of the floor of the motor vehicle at positions that are perpendicularly below the connectors to which the end cords are connected (column 7, line 53 – 67) (See Figures 11); the third attached state, allows which the motor vehicle luggage net to be folded in half along the position of the middle cord and attached upright with a forward inclination with the end cords connected to connectors (26) in the side wall of the motor vehicle and the connectors (26) at the two ends of the middle cord (25) connected to connectors that are provided at positions in the vicinity of the floor of the motor vehicle that are toward the rear of the motor vehicle from positions that are perpendicularly below the connectors to which the end cords are connected (column 8, line 18 – 32). See Figure 12.

Regarding claim 7, as stated above in claim 6, Mizuno teaches the plurality of connectors (26) of the middle cord (25) is provided along the longitudinal direction at each end of the middle cord (25) (See Figure 2). Furthermore, Mizuno also discloses the distance between the connectors (26) of the motor vehicle to which the end cords are connected and the connectors (26) of the motor vehicle to which the middle cord is connected are different for the second attached state and the third attached state. See Figures 11 and 12.

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**Conclusion**

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lester L. Vanterpool whose telephone number is 571-272-8028. The examiner can normally be reached on Monday - Friday (8:30 - 5:00) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
JES F. PASCUA  
PRIMARY EXAMINER

LLV